

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

ALEXANDER AND SUSAN PROUT,
as parents, next friends and legal guardians of
F.P., a minor,

Plaintiffs,

v.

ST. PAUL’S SCHOOL,

Defendant.

Civil Action No. 1:16-CV-00225-PB

**ST. PAUL’S SCHOOL’S MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFFS’
PARTIAL OBJECTION TO THE SCHOOL’S MOTION FOR PRETRIAL
CONFERENCE TO MODIFY SCHEDULING ORDER**

St. Paul’s School (the “School”), by and through its attorneys, McLane Middleton, Professional Association, hereby moves for leave to file a reply to Plaintiffs’ partial objection (Doc. No. 28) to the School’s Motion for Pretrial Conference to Modify Scheduling Order (Doc. No. 27) pursuant to Local Rule 7.1(e)(2) and states as follows:

1. On August 3, 2017, the School filed its Motion for Pretrial Conference to Modify the Scheduling Order (the “Motion”), in which the School sought a conference with this Court in order to discuss scheduling and discovery matters in this case in light of the recently announced investigation of the School by the New Hampshire Attorney General. (Doc No. 27).

2. On August 17, Plaintiffs filed a partial objection to that motion. (Doc. No. 28). Plaintiffs assent to the School’s request for a pretrial conference with the Court and agree with the School that the scheduling order needs to be modified. However, Plaintiffs object to the basis upon and extent to which the School seeks, or how they perceive the School to be seeking, to modify the scheduling order.

3. On August 18, the School filed notice of its intent to seek leave to file a reply. (Doc. No. 29).

4. While the School acknowledges and appreciates that the parties have come to agreement on the need for both a conference with the Court and to revisit the scheduling order, Plaintiffs' partial objection raises several points which necessitate a reply. First, Plaintiffs do not accurately present several positions of the School on the scope of discovery that should proceed in light of the investigation. These characterizations are based on a call between counsel subsequent to the filing of the School's Motion. Thus, the School has not had an opportunity to address them. Second, the School seeks the opportunity to address Plaintiffs' arguments on the issue of whether depositions of certain current and former School officials should be postponed in light of the ongoing, broad criminal investigation.

5. A copy of the School's proposed reply is attached hereto as Exhibit 1.

7. Local Rule 7.1(a): Since the relief requested herein is within the Court's discretion, no separate memorandum of law is necessary.

8. Local Rule 7.1(c): Counsel for the School contacted Plaintiffs' counsel in a good faith effort to obtain their consent to this motion, and Plaintiffs take no position with respect to the relief requested herein.

WHEREFORE, St. Paul's School respectfully requests that this Honorable Court:

- A. Grant this Motion for Leave to File a Reply to Plaintiffs' Partial Objection to the School's Motion for Pretrial Conference to Modify Scheduling Order;
- B. Grant the School leave to file the reply attached as Exhibit 1 hereto; and
- C. Grant such other relief as is just and proper.

Respectfully submitted,

ST. PAUL'S SCHOOL,

By its attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: August 22, 2017

By: /s/ Bruce W. Felmly

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Certificate of Service

I certify that, on August 22, 2017, I served the foregoing via ECF electronic transmission in accordance with the Court's Administrative Procedures for ECF to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants, if any.

/s/ Bruce W. Felmly